

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY (CONTINUED) — SATURDAY, MAY 10, 2003

The house met at 9 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 596).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Hunter; Oliveira.

Absent — Moreno, P.

The invocation was offered by Pastor Bob Shipps, Grace Church of the Nazarene, Austin, as follows:

Lord God, we bow in your presence today, recognizing you as almighty God, creator of the heavens and the earth and the author of humanity. You are a gracious and loving God, and your word tells me that we are made in your likeness. You love us so much that you want us to walk with you and talk with you daily. Thank you for caring so much about our lives. Lord, by your design you created each of us with a purpose in mind. A design and purpose for our lives that would bring glory and honor to your name. So as we endeavor to go about our daily activities, help us to remain faithful to do those things that honor you.

Lord, we confess our sins before you today. Father, where we have failed you, please forgive us. Where we have hurt you, please forgive us. Where we have made decisions that have hurt others, please forgive us. Lord, restore us today to that loving relationship you desire.

Thank you for your mercy. Lord, we thank you that we can call upon you. We thank you that you desire to hear the cry of our hearts. We thank you that you are Jehovah Jireh, our provider. Thank you for taking care to meet our needs.

Lord God, we bow today in your presence to especially pray for these people. Lord, your word declares that we must submit to the governing authorities, for there is no authority except that which you have established. Father, you have allowed these men and women these positions of responsibility for the great State of Texas. Father, help us to set aside our personal agendas and our political jockeying to truly be sensitive to your divine guidance in the decisions we make. Lord God, we give you permission to speak to our hearts today through the power of your holy spirit. May we be listening to your still small voice and respond in a way that would be pleasing to you. Lord, I lift each of these men and women to you today. Empower them, strengthen them, encourage them, and enable them to accomplish that which would be pleasing and honorable to you.

Thank you for hearing our prayer today. In the matchless name of Jesus we pray. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Hunter on motion of F. Brown.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 169 (by Lewis), Honoring Jorge Davila of Bishop Elementary School as one of the Everman Independent School District 2002-2003 Spelling Bee winners.

HCR 170 (by Lewis), Honoring Courtney Sumner of Hommel Elementary School as one of the Everman Independent School District 2002-2003 Spelling Bee winners.

HCR 172 (by Lewis), Honoring Shatonja Hudson of E. Ray Elementary School as one of the Everman Independent School District 2002-2003 Spelling Bee winners.

HCR 173 (by Lewis), Honoring Rickey Wilson of Souder Elementary School as one of the Everman Independent School District 2002-2003 Spelling Bee winners.

HCR 174 (by Lewis), Honoring Nathan Seaman of Everman Junior High School on being named Teacher of the Year.

HCR 175 (by Lewis), Honoring Melanie DeGrand of Roger E. Souder Elementary School on being named Teacher of the Year.

HCR 176 (by Lewis), Honoring Myra Asberry of E. Ray Elementary School on being named Teacher of the Year.

HCR 177 (by Lewis), Honoring Mary Heidgerken of Alpha Hommel Elementary School on being named Teacher of the Year.

HCR 178 (by Lewis), Honoring LuAnn Beck of J. W. Bishop Elementary School on being named Teacher of the Year.

HCR 179 (by Lewis), Honoring Texas Cooperative Extension in Tarrant County for its community service.

HCR 180 (by Lewis), Honoring E. Ray Elementary School of Fort Worth on being awarded recognized status by the Texas Education Agency for 2001-2002.

HCR 181 (by Lewis), Honoring Roger E. Souder Elementary School of Everman on being awarded recognized status by the Texas Education Agency for 2001-2002.

HCR 182 (by Lewis), Honoring J. W. Bishop Elementary School of Everman on being awarded recognized status by the Texas Education Agency for 2001-2002.

HCR 183 (by Lewis), Honoring Alpha Hommel Elementary School of Everman on being awarded recognized status by the Texas Education Agency for 2001-2002.

HCR 184 (by Lewis), Honoring Tyehimba Crear of Fort Worth for being named first place and grand prize winner of the Fort Worth Star-Telegram Race Against Drugs poster contest.

HCR 185 (by Lewis), Honoring Wendy Lockwood of Everman Joe C. Bean High School on being named Teacher of the Year.

HCR 187 (by Truitt), Honoring Morgan Champlin of Colleyville for earning a 2003 Prudential Spirit of Community Award.

HCR 201 (by Gallego), Congratulating U.S. Olympian Todd Hays of Del Rio.

HCR 207 (by Lewis), Honoring Gilda Molina Marquez of J. L. Long Middle School as Teacher of the Year.

HCR 221 (by Branch), Congratulating Ray and Kimberly Faust of Austin on the birth of their daughter, Konner Mikus Faust.

HR 8 (by Mercer), Honoring Fisher House, Inc., for its work in behalf of military families.

HR 270 (by Wise), Commemorating the dedication of Rodolfo "Rudy" Silva, Jr., Elementary School in Weslaco.

HR 416 (by Berman), Honoring Tejanos who fought for Texas independence.

HR 685 (by Harper-Brown), Commending Jessica Schingle of Irving for her participation in the Honorary Page Program on March 19, 2003.

HR 709 (by Farabee), Honoring the Texoma Community Credit Union for its 50 years of service to North Texas.

HR 783 (by Farabee), Honoring the Episcopal School of Wichita Falls for 49 years of academic excellence.

HR 784 (by B. Cook), Congratulating Russell Emmons of Freestone County on the selection of the Emmons Rafter E Ranch for inclusion in the Family Land Heritage Program of the Texas Department of Agriculture.

HR 785 (by B. Cook), Congratulating Naomi Ridgway of Navarro County on the selection of Ridgway Farms for inclusion in the Family Land Heritage Program of the Texas Department of Agriculture.

HR 793 (by Wise), Honoring Mike and Esmeralda "Lala" Givilancz of Weslaco on their 50th wedding anniversary.

HR 794 (by Wise), Honoring Catherine Gonzales for winning the Hidalgo/Starr counties regional spelling bee.

HR 795 (by Wise), Commending the Mercedes school district dual language instruction program for receiving a perfect score from the Texas Education Agency in the area of bilingual education.

HR 802 (by Farabee), Honoring the Zavala Hispanic Cultural Initiative and the Zavala Hispanic Cultural Center of Wichita Falls.

HR 803 (by Ritter, Baxter, et al.), Honoring Pamela A. Carley on her retirement from the Texas Department of Mental Health and Mental Retardation.

HR 808 (by Chavez), Honoring Dr. Carlos Morales for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 809 (by Chavez), Honoring Dr. Edward Saltzstein for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 810 (by Chavez), Honoring Dr. Billy Dean Reeves for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 811 (by Chavez), Honoring Olga Ortega for her contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 812 (by Chavez), Honoring Dr. William Scragg for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 813 (by Chavez), Honoring David Porras for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 814 (by Chavez), Honoring Yvonne Carrillo for her efforts in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 815 (by Chavez), Honoring the memory of the late H. Robert Misenhimer, M.D., for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 816 (by Chavez), Honoring Dr. William Gordon McGee for his exemplary contributions in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 817 (by Chavez), Honoring Thelma Rodriguez for her contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 818 (by Chavez), Honoring Dr. Raymond Bagg for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 819 (by Chavez), Honoring Maria Wulf for her efforts in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 820 (by Chavez), Honoring Lloyd Mark for his efforts in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 821 (by Chavez), Honoring Dr. Jose Manuel de la Rosa for his exemplary contributions in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 822 (by Chavez), Honoring Dr. J. Robert Brown for his exemplary contributions in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 823 (by Chavez), Honoring the memory of the late Judson F. Williams for his contributions to the Texas Tech University Health Sciences Center at El Paso.

HR 824 (by Chavez), Honoring Maria Elena A. Flood for her service in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 826 (by Chavez), Honoring Kathleen Rodriguez on her selection as The University of Texas at El Paso's softball coach.

HR 827 (by Chavez), Honoring Jose I. Quintana of El Paso for his service to his country.

HR 929 (by Hughes), Honoring Jarvis Christian College Concert Choir for its recent appearances in New York City.

SCR 35 (Nixon - House Sponsor), Resolving that the State of Texas join in the observance of Holocaust Remembrance Day on April 29, 2003.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

HR 786 (by R. Cook), In memory of Ignacio "Joe" Vallejo, Jr., of El Campo.

HR 787 (by R. Cook), In memory of D. L. Alford, Jr., of Caldwell.

HR 788 (by R. Cook), In memory of the Honorable I. J. Irvin, Jr., of Glen Flora.

HR 789 (by R. Cook), In memory of the Honorable Elmer A. Struss, former mayor of Eagle Lake.

HR 790 (by R. Cook), In memory of Evelyn "Biddy" Moser of Louise, Texas.

HR 791 (by R. Cook), In memory of John Anton Hajovsky of Weimar.

HR 792 (by R. Cook), In memory of Raymond Frank "Buddy" Rau of Columbus.

HR 799 (by Goolsby), In memory of Robert Lawson Ivy of Dallas.

HR 800 (by Goolsby), In memory of Sam Attlessey of Austin.

HR 804 (by Geren), In memory of Marine Corporal Jesus Martin "Marty" Antonio Medellin of Fort Worth.

SCR 47 (Craddick - House Sponsor), In memory of William H. Collyns of Midland.

The resolutions were unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSHB 542 (by Delisi), A bill to be entitled An Act relating to the issuance of Texas Master Gardener license plates.

CSHB 3562 (by Eissler), A bill to be entitled An Act relating to the creation of the Southwest Montgomery County Improvement District; providing authority to impose taxes and issue bonds.

CSHB 2019 (by Griggs, Isett, Gutierrez, Crabb, Marchant, et al.), A bill to be entitled An Act relating to the creation of a state advisory council with authority to promote research, education, treatment, and support activities related to persons with traumatic brain injuries.

HB 2043 (by Griggs), A bill to be entitled An Act relating to the procedures for appointment of the board of directors of an appraisal district.

HB 2051 (by W. Smith), A bill to be entitled An Act relating to permits for access driveways to certain highways.

CSHB 2416 (by Hochberg, Krusee, and Hunter), A bill to be entitled An Act relating to the extension of the period for which an incomplete improvement on property owned by certain nonprofit organizations may be exempted from ad valorem taxation.

Amendment No. 1

On behalf of Representative Hunter, Representative Hochberg offered the following amendment to **CSHB 2416**:

Amend **CSHB 2416** on page 2, between lines 26 and 27, by adding the following appropriately numbered section:

SECTION _____. Section 23.55, Tax Code, is amended by adding Subsection (m) to read as follows:

(m) The sanctions provided by Subsection (a) do not apply to land owned by an organization that qualifies as a charitable organization under Section 11.18(c), is organized exclusively to perform religious or charitable purposes, and engages in performing the charitable functions described by Section 11.18(d)(19), if the organization converts the land to a use for which the land is eligible for an exemption under Section 11.18(d)(19) within five years.

Amendment No. 1 was adopted without objection.

CSHB 2718 (by W. Smith), A bill to be entitled An Act relating to the allocation and use of municipal hotel occupancy taxes in certain municipalities bordering bays.

CSHB 3017 (by Solomons), A bill to be entitled An Act relating to the organization, administration and validation of the creation and certain action of a coordinated county transportation authority.

HB 3200 (by Hegar and Hunter), A bill to be entitled An Act relating to certain standards for assisted living facilities.

CSHB 3504 (by J. Davis), A bill to be entitled An Act relating to the deferral or abatement of the collection of taxes on the residence homestead of an elderly or disabled person.

Amendment No. 1

Representative J. Davis offered the following amendment to **CSHB 3504**:

Amend **CSHB 3504** in SECTION 2, in proposed Section 33.06 Tax Code, by adding to Subsection (c-1) (page 2, line 26) after "homestead." and before Subsection (d), the following:

If property is sold in violation of this section, the property owner may file a motion to set aside the sale under the same cause number and in the same court as a judgment reference in the Order of Sale. The motion must be filed during the applicable redemption period as set forth in Section 34.21(a) or, if the property is bid off to a taxing entity, on or before the 180th day following the date the taxing unit's deed is filed of record, whichever is later. This right is not transferable to a third party.

Amendment No. 1 was adopted without objection.

HB 3540 (by Chavez), A bill to be entitled An Act relating to a refund of an overpayment or erroneous payment of ad valorem taxes by a tax collector who performs consolidated tax collection functions.

CSHB 3575 (by Hegar and Callegari), A bill to be entitled An Act relating to the creation of the Katy Towne Centre Development District; providing authority to impose a tax and issue bonds.

HB 3576 (by J. Davis), A bill to be entitled An Act relating to the creation of the Harris County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.

CSHB 76 (by Wise and Guillen), A bill to be entitled An Act relating to procedures adopted by a state entity to ensure an employment preference for veterans.

CSHB 341 (by Uresti), A bill to be entitled An Act relating to parenting and postpartum counseling information to be provided to a pregnant woman.

SB 185 (W. Smith - House Sponsor), in lieu of **HB 446**, A bill to be entitled An Act relating to standing water as a nuisance.

Amendment No. 1

Representatives W. Smith and Capelo offered the following amendment to **SB 185**:

Amend **SB 185** in SECTION 1. (7) after the word location and before the ; insert the following: other than a location or property where activities meeting the definition of Section 11.002 (12)(A), Water Code, occur

Amendment No. 1 was adopted without objection.

Representative W. Smith moved to lay **HB 446** on the table subject to call.

The motion prevailed without objection.

HB 460 (by Gallego), A bill to be entitled An Act relating to special license plates for certain government officials.

CSHB 631 (by Hilderbran), A bill to be entitled An Act relating to the issuance of Texas Lions Camp license plates.

SB 604 (Van Arsdale - House Sponsor), in lieu of **HB 663**, A bill to be entitled An Act relating to the recovery of attorney's fees and certain costs in proceedings to recover delinquent debts owed to a county.

Representative Van Arsdale moved to lay **HB 663** on the table subject to call.

The motion prevailed without objection.

CSHB 674 (by Madden), A bill to be entitled An Act relating to the modification of certain child support orders.

HB 703 (by Solomons), A bill to be entitled An Act relating to the property tax appraisal of property located in more than one appraisal district.

CSHB 833 (by Hochberg, et al.), A bill to be entitled An Act relating to certain pharmaceutical services for an injured employee receiving workers' compensation medical benefits.

CSHB 922 (by Eiland), A bill to be entitled An Act relating to financial responsibility requirements for certain persons licensed or permitted under the Alcoholic Beverage Code.

HB 1251 was withdrawn.

HB 1353 (by Uresti), A bill to be entitled An Act relating to a fee for preserving vital statistics records.

CSHB 1470 (by Hartnett), A bill to be entitled An Act relating to guardianships; providing a criminal penalty.

CSHB 1473 (by Hartnett), A bill to be entitled An Act relating to probate matters.

CSHB 1515 (by Allen), A bill to be entitled An Act relating to temporary license suspensions of registered nurses.

SB 725 (Casteel - House Sponsor), in lieu of **HB 1519**, A bill to be entitled An Act relating to the payment of ad valorem taxes on property erroneously omitted from a tax roll and to the waiver of penalties and interest on an ad valorem tax that becomes delinquent due to the error of a taxing unit or appraisal district.

Representative Casteel moved to lay **HB 1519** on the table subject to call.

The motion prevailed without objection.

CSHB 1600 (by Madden), A bill to be entitled An Act relating to the issuance of special license plates for members of the American Legion.

HB 1628 was withdrawn.

HB 1826 was withdrawn.

SB 657 (Lewis - House Sponsor), in lieu of **HB 1829**, A bill to be entitled An Act relating to the effect of tax increment financing by certain taxing units in the calculation of ad valorem tax rates for those taxing units.

Representative Lewis moved to lay **HB 1829** on the table subject to call.

The motion prevailed without objection.

CSHB 1985 (by Casteel), A bill to be entitled An Act relating to the immunity of guardians ad litem in certain guardianship proceedings from liability for certain damages.

CSHB 2107 (by Hope), A bill to be entitled An Act relating to special license plates supporting scholarships for surviving spouses and children of homicide victims.

HB 2148 (by Gattis), A bill to be entitled An Act relating to the prohibition of a restriction or condition placed on a check tendered in payment of delinquent ad valorem taxes, penalties, and interest.

HB 2174 (by Heflin), A bill to be entitled An Act relating to illegal uses of confidential information by persons having legal access to confidential information; creating an offense.

SB 1764 (Farabee - House Sponsor), in lieu of **HB 2197**, A bill to be entitled An Act relating to the disclosure of certain information to a cemetery organization or funeral establishment for the purpose of marking a grave.

Representative Farabee moved to lay **HB 2197** on the table subject to call.

The motion prevailed without objection.

CSHB 2199 (by Solomons), A bill to be entitled An Act relating to the right of an insurance carrier to contest the compensability of an injury in a workers' compensation case; providing an administrative violation.

Amendment No. 1

Representative Reyna offered the following amendment to **CSHB 2199**:

Amend **CSHB 2199** as follows:

On page 2, lines 6-15, strike subsection (e) and substitute the following:

(e) An insurance carrier commits a violation if the insurance carrier does not initiate payments or file a notice of refusal as required by this section. A violation under this subsection shall be assessed at \$500 if the carrier initiates compensation or files a notice of refusal within 5 working days of the date required by Subsection (a), \$1,500 if the carrier initiates compensation or files a notice of refusal more than 5 and less than 16 working days of the date required by Subsection (a), \$2,500 if the carrier initiates compensation or files a notice of refusal more than 15 and less than 31 working days of the date required by Subsection (a), or \$5,000 if the carrier initiates compensation or files a notice of refusal more than 30 days after the date required by Subsection (a). The administrative penalties are not cumulative. [is a Class B administrative violation. Each day of noncompliance constitutes a separate violation.]

Amendment No. 1 was adopted without objection.

CSHB 2208 (by Allen), A bill to be entitled An Act relating to the regulation of the practice of professional nursing.

HB 2306 (by J. Jones), A bill to be entitled An Act relating to new millennium special license plates and to the new millennium reading program account.

CSHB 2308 (by J. Jones), A bill to be entitled An Act relating to ineligibility for participation in the low income housing tax credit program.

HB 2348 (by Casteel), A bill to be entitled An Act relating to the dissolution of the Southeast Trinity Groundwater Conservation District.

CSHB 2389 (by R. Cook, et al.), A bill to be entitled An Act relating to the issuance of special license plates to benefit the Texas 4-H and Youth Development Program.

SB 1151 (Solomons - House Sponsor), in lieu of **HB 2411**, A bill to be entitled An Act relating to the publication of state agency Internet addresses in telephone directories.

Representative Solomons moved to lay **HB 2411** on the table subject to call.

The motion prevailed without objection.

HB 2492 was withdrawn.

HB 2518 (by Dawson), A bill to be entitled An Act relating to the kinds of contracts of the Brazoria County Conservation and Reclamation District Number Three that are subject to competitive bidding.

HB 2529 (by Madden), A bill to be entitled An Act relating to providing a grace period for enforcement actions against a small water supply, sewer, wastewater treatment, or solid waste disposal service being integrated into a regional service.

CSHB 2627 (by Flynn), A bill to be entitled An Act relating to certain agreements offered in connection with a loan.

CSHB 2650 (by Kuempel), A bill to be entitled An Act relating to the creation of a council to oversee the implementation of a statewide integrated public safety radio communications system for public safety and homeland security purposes.

SB 252 (Flynn - House Sponsor), in lieu of **HB 2673**, A bill to be entitled An Act relating to the registration of mortgage bankers.

Amendment No. 1 (Committee Amendment No. 1)

Representative Flynn offered the following committee amendment to **SB 252**:

Amend **SB 252** as follows:

(1) In SECTION 1 of the bill, in added Section 157.004(1), Finance Code (engrossed version, page 2, line 26), between "association," and "or credit" insert "Farm Credit System Institution,".

(2) In SECTION 1 of the bill, in added Section 157.004(2), Finance Code (engrossed version, page 3, line 1), between "association," and "or credit" insert "Farm Credit System Institution,".

Amendment No. 1 was adopted without objection.

Representative Flynn moved to lay **HB 2673** on the table subject to call.

The motion prevailed without objection.

CSHB 2677 (by Krusee), A bill to be entitled An Act relating to the regulation of motor vehicle sales and the powers and duties of the Motor Vehicle Board of the Texas Department of Transportation.

Representative Krusee moved to postpone consideration of **CSHB 2677** until the next local and consent calendar.

The motion prevailed without objection.

CSHB 2721 (by Gutierrez and Chavez), A bill to be entitled An Act relating to the acanthosis nigricans screening program in certain public and private schools.

HB 2726 (by Talton), A bill to be entitled An Act relating to authorizing an owner of inventory to waive the right to have the inventory appraised for ad valorem tax purposes at the price for which it would sell as a unit.

CSHB 2847 (by Farabee), A bill to be entitled An Act relating to the repeal of the Texas Aggregate Quarry and Pit Safety Act.

CSHB 2887 (by Van Arsdale), A bill to be entitled An Act relating to the exemption of certain services necessary to comply with federal and state construction storm water requirements from certain contract requirements.

HB 2930 was withdrawn.

HB 2951 was withdrawn.

CSHB 2963 (by Krusee, Rodriguez, Naishtat, and Dukes), A bill to be entitled An Act relating to the regulation of motor vehicle emissions in counties participating in early action compacts.

CSHB 3011 (by Capelo), A bill to be entitled An Act relating to certain reports, information, or records related to certain health care facilities.

HB 3020 (by Woolley), A bill to be entitled An Act relating to the issuance of God Bless Texas and God Bless America special license plates.

CSHB 3025 (by Martinez Fischer), A bill to be entitled An Act relating to the payment of compensable costs by a municipality that requires the removal of an on-premise sign.

CSHB 3033 (by Ellis), A bill to be entitled An Act relating to the appointment of a bailiff for the 75th District Court and for the 253rd District Court.

CSHB 3151 (by Bonnen), A bill to be entitled An Act relating to the issuance of special license plates to fund disaster preparation and response by the Texas Department of Transportation.

HB 3190 (by Uresti), A bill to be entitled An Act relating to the refund or retention by a landlord of a security deposit under a commercial lease.

HB 3272 (by Gallego), A bill to be entitled An Act relating to the creation of a port of entry authority by certain counties; authorizing a tax and the issuance of bonds.

CSHB 3312 (by Capelo), A bill to be entitled An Act relating to substitution of securities by a depository for a county.

CSHB 3338 (by Puente), A bill to be entitled An Act relating to the performance of a water audit by a retail public utility providing potable water.

SB 1507 (Marchant - House Sponsor), in lieu of **HB 3417**, A bill to be entitled An Act relating to the use of power of attorney in certain motor vehicle title transfers.

Amendment No. 1

Representatives Marchant and Krusee offered the following amendment to **SB 1507**:

Amend **SB 1507** as follows:

1) On page 2, line 23 strike all of subsection (e) and substitute with the following:

(e) A signed and dated written odometer disclosure containing the information described in this subsection (e) may be included on or with the power of attorney if the power of attorney is executed within one hundred and twenty days before the date of the transfer and is accompanied by the conspicuous written notification described in this subsection. If an odometer disclosure is not obtained in that manner, the transferee or agent or the person to whom the vehicle is delivered at the time of the transfer shall request an odometer disclosure as provided in this subsection (e). Not more than one hundred and twenty days before the transfer of the vehicle by the owner, the transferee or agent under the power of attorney or person receiving delivery of the vehicle shall in writing request the owner to provide a signed and dated written statement stating the odometer reading (not to include tenths of a mile) as of the date of the statement, and further stating words to the effect that either: (i) to the best of the owner's knowledge, the odometer reading reflects the actual mileage of the vehicle, or (ii) the actual mileage has gone over the odometer's mechanical limits and the odometer reading reflects the amount of mileage in excess of the mechanical limits of the odometer, if the owner knows that to be the case, or (iii) the odometer reading is not the actual mileage, if the owner knows that to be the case. The statement may consist of a form in which the agent or transferee or person receiving the vehicle includes the identification of the vehicle and owner and which allows the owner to fill in the odometer reading and mark an applicable box to indicate which of condition (i), (ii) or (iii) is applicable and to date and sign the statement. With the request for the owner's statement, the transferee or agent or person receiving the vehicle shall provide a written notification to the owner to the effect that the owner has a duty under law to state the odometer reading, state which of conditions (i), (ii) or (iii) is applicable, and sign, date and return the statement, and that failing to do so or providing false information may result in fines or imprisonment. Unless the written notification is delivered to the owner at substantially the same time that the owner is delivering the signed and dated owner's statement, the written notification must also state a date by which the owner must provide this information and an address to which it may be delivered. This written notification to the owner must be in bold letters, underlined or otherwise conspicuous, and may be in a separate document or included as part of a form to be used for the owner's statement or in another document relating to the potential transfer. The transferee or agent or the person receiving delivery of the vehicle may mail the request and notification to the last known address of the owner or may otherwise send or deliver it to the owner. If there are multiple owners of the same vehicle, the request and notification may be sent to one or more of them and it shall be sufficient for one owner to sign the statement. The owner has a duty to return the signed and dated statement as directed in the notification. In completing the odometer disclosure on the owner's behalf, the agent shall identify the same condition (i), (ii) or (iii) provided in the owner's statement, unless the agent knows that the condition identified in the owner's statement is not correct. The agent will not indicate in

the odometer disclosure it completes on the owner's behalf that the odometer reading is not the actual mileage unless either the owner has so indicated in the owner's statement or the agent knows that the owner's statement is not correct. The agent shall transmit the owner's statement it receives to the transferee after the title transfer is completed. The owner's statement received by the transferee under this subsection (e) need not be filed with the filing office for the other title documents, but the transferee shall retain the owner's statement for a time period and in a similar manner to the retention methods used by a lessor to retain statements under 49 C.F.R. § 580.8(b) as it may from time to time be amended. The transferee may rely upon the agent's odometer disclosure and the owner's statement unless it knows that they are not correct. A failure by an owner to comply with an obligation under this subsection (e) subjects the owner to the penalties and enforcement provisions of Subchapter H of this Chapter, but does not affect the validity of the transfer of title.

Amendment No. 1 was adopted without objection.

Representative Marchant moved to lay **HB 3417** on the table subject to call.

The motion prevailed without objection.

HB 3461 (by Canales), A bill to be entitled An Act relating to the duties of the district attorney for the 156th Judicial District.

SB 1409 (Raymond - House Sponsor), in lieu of **HB 3497**, A bill to be entitled An Act relating to funding and extending the expiration date of the regional emergency medical dispatch resource center pilot program.

Representative Raymond moved to lay **HB 3497** on the table subject to call.

The motion prevailed without objection.

CSHB 3517 (by Gallego), A bill to be entitled An Act relating to certain correctional facilities that house only federal prisoners.

CSHB 3542 (by Laubenberg), A bill to be entitled An Act relating to the regulation of milk and milk products.

SB 1883 (Howard - House Sponsor), in lieu of **HB 3571**, A bill to be entitled An Act relating to the assumption of road utility district authority by the Fort Bend County Levee Improvement District No. 15, including the authority to impose taxes and issue bonds.

Representative Howard moved to lay **HB 3571** on the table subject to call.

The motion prevailed without objection.

HB 3577 (by Smithee), A bill to be entitled An Act relating to the County Court at Law of Randall County.

HB 3591 (by Pitts), A bill to be entitled An Act relating to authorizing the strip annexation of certain property by certain municipalities.

HB 3597 (by Dawson), A bill to be entitled An Act relating to the abolition of the County Court at Law of Matagorda County.

HB 3600 (by King), A bill to be entitled An Act relating to jurisdiction, practice, and procedures of county courts at law in Parker County and to the creation of the County Court at Law No. 2 of Parker County.

HB 3605 (by J. Keffer), A bill to be entitled An Act relating to the jurisdiction of a county court at law in Hood County.

HB 3624 (by Quintanilla), A bill to be entitled An Act relating to electronic recordings of proceedings in the municipal court of record for the City of El Paso.

HCR 204 (by Chavez), Urging Congress to reinstate funding for the EPA Border Fund to \$75 million for fiscal year 2004.

HR 367 (by Puente), Recognizing the importance of protecting the Lone Star State's water resources.

SB 100 (Uresti - House Sponsor), A bill to be entitled An Act relating to carbon monoxide detectors in certain child-care facilities and family homes.

SB 132 (Guillen - House Sponsor), A bill to be entitled An Act relating to the replacement and repair of existing cattle guards on county roads.

SB 173 (E. Jones - House Sponsor), A bill to be entitled An Act relating to deferred payment of property taxes for certain persons serving in the United States armed forces during a war or national emergency.

SB 249 was previously passed.

SB 317 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the prosecution of the offense of violation of a protective order or magistrate's order.

SB 345 (Hegar - House Sponsor), A bill to be entitled An Act relating to offenses involving motor vehicle windshield and window sunscreening devices.

CSSB 464 (Delisi - House Sponsor), A bill to be entitled An Act relating to the appointment of a management team to manage and operate a community center for mental health or mental retardation services.

SB 527 (Corte - House Sponsor), A bill to be entitled An Act relating to the establishment of security forces in certain metropolitan rapid transit authorities.

SB 602 (Goodman - House Sponsor), A bill to be entitled An Act relating to access to criminal history record information concerning employees, volunteers, and applicant volunteers of children's advocacy centers.

SB 726 (Hill - House Sponsor), A bill to be entitled An Act relating to the purchasing and contracting authority of an appraisal district; providing penalties.

SB 737 (Capelo - House Sponsor), A bill to be entitled An Act relating to the exemption of certain military personnel from jury service.

SB 775 was previously passed.

SB 996 (King - House Sponsor), A bill to be entitled An Act relating to collateral eligible to be pledged with the comptroller to secure state deposits.

SB 1050 (Mabry - House Sponsor), A bill to be entitled An Act relating to the confidentiality of information associated with family violence centers.

SB 1051 (Uresti - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Department of Human Services to solicit and accept gifts, grants, and donations.

SB 1063 (Krusee - House Sponsor), A bill to be entitled An Act relating to insurance coverage of commercial motor carriers.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Phillips, Representative Krusee offered the following committee amendment to **SB 1063**:

Amend **SB 1063** as follows:

Amend **SB 1063**, line 18 by striking the word "shall" and substituting it with the word "may".

Amendment No. 1 was adopted without objection.

SB 1084 was previously passed.

SCR 40 (Corte - House Sponsor), Commending the board of directors of the National D-Day Museum in New Orleans, Louisiana.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, upon adjournment of legislative day 66 (cont'd) today, Desk 76, for a formal meeting, to consider pending business.

Regulated Industries, upon adjournment of legislative day 66 (cont'd) today, Desk 82, for a formal meeting, to consider pending business.

Urban Affairs, upon adjournment of legislative day 66 (cont'd) today, Desk 48, for a formal meeting, to consider **HB 1632**.

Financial Institutions, upon adjournment of legislative day 66 (cont'd) today, Desk 7, for a formal meeting, to consider pending business.

Judicial Affairs, upon adjournment of legislative day 66 (cont'd) today, Desk 70, for a formal meeting, to consider **HB 1768** and pending business.

ADJOURNMENT

Representative Reyna moved that the house adjourn until 10:50 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:41 a.m., adjourned until 10:50 a.m. today.